

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

THE LANDING, LLC, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	CIV. ACT. NO. 1:23-cv-377-TFM-B
)	
MG AFFORDABLE MASTER, LLC, <i>et al.</i>)	
)	
Defendants.)	

ORDER ON MOTION AND CONSENT JUDGMENT

Pending before the Court is the Joint Motion for Entry of Consent Judgment (Doc. 109, filed 11/12/25). Plaintiffs, The Landing, L.L.C. and Bayou Bend, L.L.C., and Defendants, MG Affordable Master, LLC, CTCW-Robertsdale LLC and CTCW-Bayou Bend La Batre LLC (collectively “the Parties”) have advised the Court that they have reached a full compromise and settlement of their respective claims and the disputes between them in this action. Upon consideration, it is **ORDERED** that the motion is **GRANTED in part, DENIED in part, and MODIFIED in part.**

The motion is **DENIED** to the extent the Court declines to set aside or vacate the Report and Recommendation (Doc. 64) and Memorandum Opinion and Order (Doc. 70) adopting the Report and Recommendation. Both documents represent extensive work performed by both the Magistrate Judge and the undersigned in what was a complex legal matter to resolve. The parties do not express any basis for setting aside either document beyond a general preference. Therefore, the Court declines to erase the well-reasoned analysis performed by the Magistrate Judge. The motion is otherwise **GRANTED as modified** herein.

First, the parties indicate a method for disbursement of the money held in the Court registry.

However, the method described is not a valid method of disbursement of the funds and therefore the Court tasked its law clerk with coordinating with the parties the regulatory methods for disbursement of the funds. The funds have been held in the Court Registry Investment System Disputed Ownership Pool (“CRIS DOF”) and therefore interest has been collected on a quarterly basis and no further tax issues should be implicated for the parties. Therefore, the Court modifies the proposed consent judgment, with the agreement of the Parties to account for the required disbursement method.

Next, it is **ORDERED** that the funds must be returned by Electronic Fund Transfer (“EFT”) in coordination with the Court’s finance department. A test transfer shall be done with a nominal amount to confirm accuracy prior to transfer of the bulk funds. The party who is set to receive the funds shall complete the AO213P form (entitled Request for Payee Information and TIN Certification) attached to this order as Exhibit A. If the disbursement is being made to an attorney (for the purposes of gross proceeds of a settlement), then a 1099-MISC will be issued for the principal and interest disbursed.

It is **DIRECTED** that the \$2,481,026.97 previously deposited with the Court (Doc. 18) in connection with the sale of the property owned by Apartment Housing of Robertsdale, Ltd., and all interest thereon, shall be returned to Apartment Housing of Robertsdale, Ltd. Thomas H. Cooksey, Jr., and The Landing, L.L.C. shall distribute the proceeds pursuant to the terms of the Parties’ Settlement Agreement.

It is **DIRECTED** that the \$890,168.79 previously deposited with the Court (Docs. 22 and 30) in connection with the sale of the property owned by Apartment Housing of Bayou La Batre, Ltd., and all interest thereon, shall be returned to Apartment Housing of Bayou La Batre, Ltd. Thomas H. Cooksey, Jr. and Bayou Bend, L.L.C. shall distribute the proceeds pursuant to the terms

of the Parties' Settlement Agreement.

This action is **DISMISSED with prejudice**, the Clerk of Court shall enter this judgment pursuant to Fed. R. Civ. P. 58, and this case is closed.

DONE and ORDERED this 19th day of November 2025.

/s/ Terry F. Moorer
TERRY F. MOORER
UNITED STATES DISTRICT JUDGE